

RURAL TELECOMMUNICATIONS GROUP

advocate of rural wireless telecommunications providers

*1000 Vermont Avenue, NW, 10th Floor
Washington, DC 20005*

To: Office of the Secretary
Federal Communications Commission

From: Caressa D. Bennet, General Counsel
Gregory W. Whiteaker, Counsel
Kenneth C. Johnson, Director – Legislative and Regulatory

Date: April 9, 2003

Re: *Ex Parte* Presentation – April 8, 2003

WT Docket No. 02-379
WT Docket No. 02-55
WT Docket No. 02-377
CC Docket No. 95-116

On April 8, 2003, Caressa D. Bennet, Gregory W. Whiteaker, and Kenneth C. Johnson of Bennet & Bennet, PLLC, representing the Rural Telecommunications Group (“RTG”), met, via telephone conference, with William Kunze, Katherine Harris, Roger Noel, Andrea Kelly, Robert Krinsky, Michael Wilhelm, John Borkowski, Rachel Kazan, Eugenie Barton, and Jennifer Salhus of the Federal Communication Commission’s (“FCC” or “Commission”) Wireless Telecommunications Bureau to discuss the above-mentioned proceedings. Also participating were RTG members Art Prest of RFB Cellular, Bob Paige of Falkenburg Capital, Bryan Matthews of Pace Cellular, and Sean Farrell of NTCH.

With regards to the CMRS competition proceeding (WT Docket No. 02-379), RTG discussed the need for the FCC to consider gathering more granular data on small, rural companies providing CMRS services. Consistent with its comments filed in this proceeding, RTG suggested that the FCC require carriers with less than 10,000 customers to report on their CMRS offerings.

In the 800 MHz “Consensus Plan” proceeding (WT Docket No. 02-55), RTG noted that there were possible costs for A Band carriers to accommodate Nextel’s competitive move into the spectrum neighborhood. Specifically, RTG noted that Motorola had determined that it will need to develop filtering equipment in accordance with the Consensus Plan’s technical specifications regarding interference, and install and calibrate the filters on each carriers’

individual cell sites. It is RTG's understanding that, based on the cost of existing filters, Motorola's proposed modifications would cost between \$3000 to \$5000 per cell site for current A Band carriers. For one RTG member with 70 cell sites, the filters could end up costing it between \$210,000 and \$350,000 in order to comply with the mitigation requirements of the Consensus Plan.

Regarding the "Tier III" proceeding (WT Docket No. 02-377), RTG pointed out the engineering difficulties rural carriers encounter when implementing Phase I E911 network-based systems. Due to the sparse nature of rural cell tower sites, many rural carriers have trouble meeting the FCC's location accuracy standards. RTG suggested that the FCC should consider a "safe harbor" standard where carriers would not be subject to enforcement action if they installed a TDOA location system at each base station within a PSAP's service area. RTG noted that such a safe harbor would benefit public safety much more than the prospect of carriers taking down cell sites in order to avoid enforcement fines for failing to hit the accuracy requirements. RTG also noted that rural carriers do not have the benefit of averaging their accuracy results with urban areas like large, nationwide carriers do. RTG promised to continue to work with the Commission to help rural carriers achieve the best E911 results as possible.

Finally, RTG discussed the CTIA number portability petition (CC Docket No. 95-116) and the impact of the petition on inter-carrier compensation issues and the unintended anti-competitive consequences of the petition. RTG mentioned the problem of number porting when the requesting carrier has no local presence, NPA-NXX codes, or local interconnection. The result of such a request would result in customers making what they thought were local calls that were actually carried over the toll network. In addition, there is the anti-competitive wireless-to-wireless result where a large, urban-based carrier would be able to require porting from a smaller carrier, since the large carrier's service area would overlap the rate center of the smaller carrier, while the smaller carrier could not ask for reciprocal porting, due to the fact that its license area would not overlap with the large carrier's rate center. Thus, porting would not work two ways, leading to a regulation-based competitive advantage for the larger carrier.

If you have any questions regarding this filing, please communicate directly with the undersigned.

Sincerely,

/s/

Caressa D. Bennet
General Counsel, Rural Telecommunications Group

cc: William Kunze
Katherine Harris
Roger Noel
Andrea Kelly

Robert Krinsky
Michael Wilhelm
John Borkowski
Rachel Kazan
Eugenie Barton
Jennifer Salhus

U:\Docs2\RTG\Comments & Exparte\RTGExParteCall03.Apr9kj.doc